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MASON MCDUFFIE MORTGAGE CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AXIA FINANCIAL, LLC d/b/a/ AXIA HOME
LOANS,

Plaintiff,

vs.

MASON MCDUFFIE MORTGAGE CO.,

Defendant.

) Case No. 3:23-cv-03256-TLT
)
) Honorable Trina L. Thompson
)
) **STATEMENT OF DECISION**
) **RELEVANT TO MOTION TO**
) **DISMISS PER LOCAL RULE 7-3(d)(2)**

)
)
) DATE: January 16, 2024
) TIME: N/A
) PLACE: N/A

)
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)
) Complaint filed: June 29, 2023
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TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Civil Local Rule 7-3(d)(2), Defendant Mason McDuffie Mortgage Co. (“Defendant”) respectfully submits the following authority in connection with its Motion to Dismiss in light of a recently-discovered order on a demurrer sustained in another case alleging claims for (1) Unfair Competition pursuant to Cal. Bus. & Prof. Code §§ 17200 *Et Seq.*; (2) Intentional Interference with Prospective Economic Advantage; (3) Negligent Interference with Prospective Economic Advantage; (4) Tortious Interference with Contract; and (5) Violation of California Penal Code § 502(C)(1),(2),(3)&(7). This authority was not yet available at the time Defendant submitted its Motion to Dismiss (it was discovered by Defendant today), but was known to Plaintiff’s counsel in advance of the filing of Plaintiff’s Opposition.

Attached hereto as Exhibit A is a true and correct copy of the Minute Order on CrossCountry Mortgage LLC’s Demurrer/Motion to Strike the Complaint filed by Guild Mortgage Company LLC in the matter entitled *Guild Mortgage Company LLC v. CrossCountry Mortgage LLC*, Case No. 37-2022-00051488-CU-BT-CTL, pending in the Superior Court of California, County of San Diego (“Guild Action”). Attached hereto as Exhibit B is a true and correct copy of the Complaint that was the subject of the Demurrer/Motion to Strike in the Guild Action. Counsel of record for Plaintiff in this action is also counsel of record for the plaintiff Guild Mortgage in the Guild Action.

In the Minute Order, the Court sustains CrossCountry Mortgage’s demurrer on the grounds that each of Guild Mortgage’s claims against it—for (1) Unfair Competition pursuant to Cal. Bus. & Prof. Code §§ 17200 *Et Seq.*; (2) Intentional Interference with Prospective Economic Advantage; (3) Negligent Interference with Prospective Economic Advantage; (4) Tortious Interference with Contract; and (5) Violation of California Penal Code § 502(C)(1),(2),(3)&(7)—are preempted by the California Uniform Trade Secrets Act (“CUTSA”).

1 Dated: January 11, 2024

Respectfully submitted,

2 LOCKE LORD LLP

3 By: /s/ *Amin Al-Sarraf*

4 Nina Huerta

5 Amin Al-Sarraf

6 Attorneys for Defendant

MASON MCDUFFIE MORTGAGE CO.

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